

IV. Rejection under 35 U.S.C. § 103(a) over Davis et al. in view of Goldhaber et al.

The Examiner rejected claims 2, 3, 5-14 and 16-17 under 35 U.S.C. § 103(a), as being obvious over Davis in view of U.S. Patent No. 5,794,210 to Goldhaber et al. ("Goldhaber"). For the reasons set forth in Section III above, Davis is not prior art to the present application. As such, Davis is an improper reference for rejecting claims 2, 3, 5-14 and 16-17 over a combination of Davis and Goldhaber.

Moreover, Goldhaber does not relate to a system and method for real-time competitive bidding for Internet advertising space. In Goldhaber when a user logs on to his/her customized home page, the user is presented with a list of preselected advertisements. Goldhaber at 7:27-32 ("Upon logging on to her home page, Cynthia would be presented with a list of ads that she may elect to view. The ads would be preselected for her on the basis of a personal profile questionnaire that she has completed plus automatic tracking of her previous Inter net usage.") See also Id. at 14:58 (Interest agents). In Goldhaber, each advertisement preselected and presented to the user is associated with an offer or bid. Whenever the user elects to view one of the presented advertisements, the user is compensated in accordance with the associated offer or bid. Goldhaber does not relate to a system and method for selecting advertisements in real-time based on competitive bidding.

As such, it is respectfully pointed out that claims 2, 3, 5-14 and 16-17 are not unpatentable over Goldhaber as a stand-alone reference.

V. Related applications

The present application is related to the following pending applications, which are continuation-in-part (or continuations thereof) applications of U.S. Patent No. 6,285,987, of which the present is a reissue: Applications nos. 09/216,206, 09/372,416, 11/675,429, 11/926,939, 11/933,080, and 11/933,122. Rejections have been issued and are outstanding in the '206, '416, and '429 applications.

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CONCLUSION

With the remarks and arguments made herein, it is believed that the rejections set forth in the Office Action of April 23, 2008 have been overcome. As such, favorable consideration of the pending claims and allowance of the present application is respectfully requested. If the Examiner believes an interview would be helpful in advancing the present application, the Examiner is respectfully requested to contact the undersigned at the number indicated below.

Dated: June 12, 2008

Respectfully submitted,

/Benzion A. Wachsman/

Benzion A. Wachsman
General Manager
BEH Investments LLC (Assignee)
Tel.: (718) 928-2213
Fax: (718) 504-9671